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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/021,035	12/19/2001	Sharon A. Krueger	D/A0653	9512

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Patent Documentation Center
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Rochester, NY 14644

EXAMINER

TEACHEY, ROBERT

ART UNIT	PAPER NUMBER
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2626

DATE MAILED: 09/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/021,035

Applicant(s)

KRUEGER ET AL.

Examiner

Robert Teachey

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 December 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3 and 7-10 is/are rejected.
- 7) ☒ Claim(s) 4-6 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Notice to Applicant(s)

1. This application has been examined. Claims 1–10 are pending.

Double Patenting

1. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

2. Claims 1, 7, 8, and 9 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1, 2,

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7, and 8 respectively of copending Application No. 10/021034. Although the conflicting claims are not identical, they are not patentably distinct from each other because claims 1, 7, 8, and 9 are disclosed in claims 1, 2, 7, and 8 respectively of copending application 10/021034.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

Claim 1 recites a method for applying a selected color space transformation profile when rendering image data, which is an obvious variation of Claim 1 of copending application 10/021034 that recites a method for applying individualized rendering parameters a single page basis to enable rendering of image data associated with a job having a plurality of pages. Claim 1 step "a" is the same as claim 1 step "a" of copending application 10/021034. Claim 1 step "b" recites receiving a media attribute, the media attribute identifying a desired characteristic of a media to be used in rendering the image data which is an obvious variation of claim 1 steps "b", "c", and "d" of copending application 10/021034 that recite assigning a first set of color processing options to a first group of pages in the job; assigning a second set of processing options to a second group of pages in the job, the second set of color processing options identifying a color space transformation profile; and receiving a page of image data to be rendered. Claim 1 step "c" recites selecting a color space transformation profile from the plurality of color space transformation profiles based on the received media

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attribute, which is an obvious variation of Claim 1 step “e” of copending application 10/021034 that recites selecting a color space transformation profile for the received page of image data based on the second set of color processing options. Claim 1 step “d” is the same as claim 1 step “f” of copending application 10/021034.

Claim 7 is the same as claim 2 of copending application 10/021034.

Claim 8 is an obvious variation of claim 7 of copending application 10/021034.

Claim 9 is the same as claim 8 of copending application 10/021034.

Specification

2. The disclosure is objected to because of the following informalities:

Step 134 of figure 3 is not explained.

Appropriate correction is required.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 3, and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Billow et al. (hereinafter referred to as Billow) (U.S. Patent Application Publication 2005/0141008).

With respect to claim 1 Billow discloses a method for applying a selected color space transformation profile when rendering image data comprising the steps of: providing a plurality of color space transformation profiles (paragraph 0024 lines 6-11, paragraph 0048 lines 1-12); receiving a media attribute, the media attribute identifying a desired characteristic of a media to be used in rendering the image data (paragraph 0036 lines 4-13 and paragraph 0035 lines 1-4); selecting a color space transformation profile from the plurality of color space transformation profiles based on the received media attribute (paragraph 0036 lines 13-15); and applying the selected color space transformation profile to render the page of image data (paragraph 0049 lines 10-12).

With respect to claim 3 Billow discloses providing a plurality of unique assignment records, each assignment record referencing a color space transformation profile (paragraph 0024 lines 3-18, paragraphs 0025-0028, and paragraph 0048 lines 1-19); identifying one of the unique assignment records based on the received media attribute (paragraph 0036 lines 12-18 and paragraph 0048 lines 19-22); and retrieving the color space transformation profile associated with the identified assignment record (paragraph 0036 lines 12-15).

Claim 8 arguments are analogous to those presented for claim 1 therefore the arguments presented for claim 1 are applicable.

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Billow in view of Meir et al. (U.S. Patent 6,037,950).

Billow differs from claim 2 in that Billow does not disclose the received media attribute includes a media white point.

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Meir discloses the received media attribute includes a media white point (column 4 lines 13-28).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to have modified Billow wherein the received media attribute includes a media white point. It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to modify Billow by the teaching of Meir so that Billow's invention could custom compensate for changes in paper stocks (given the express suggestion of Meir column 2 lines 47-49)

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 7, 9, and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Billow et al. in view of Murray (U.S. Patent Application Publication 2002/0075505).

With respect to claim 7 Billow differs from claim 7 in that Billow does not disclose the rendering of image data on a xerographic printing device using the selected color space transformation profile.

Murray discloses the rendering of image data on a xerographic printing device using the selected color space transformation profile (paragraph 0004 lines 3-7).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to have modified Billow wherein the rendering of image data on a xerographic printing device using the selected color space transformation profile. It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to modify Billow by the teaching of Murray so that Billow's invention could be utilized on any well-known computer system, such as a personal computer, with any well-known printer using well-known printer media (given the express suggestion of Billow paragraph 0019 lines 2-5).

Claim 9 arguments are analogous to those presented for claim 7 therefore the arguments presented for claim 7 are applicable.

Claim 10 arguments are analogous to those presented for claim 3 therefore the arguments presented for claim 3 are applicable.

Allowable Subject Matter

9. Claims 4-6 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

10. The following is a statement of reasons for the indication of allowable subject matter:

The prior art searched of record does not teach, disclose, or suggest the claimed limitations of (in combination with all other features of the claims) generating a transformation query including the received media attribute determining if any of the unique assignment records exactly match the transformation query and if more than one assignment record exactly matches the transformation query performing a resolution operation to identify a single assignment record; determining a best match assignment record if none of the assignment records exactly match the transformation query; the transformation query identifies at least one media attribute selected from the group of media attributes including media name, color, weight, coating, white point, and opacity as claimed in claims 4-6.

Conclusion

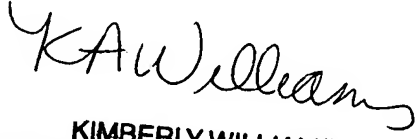
11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert Teachey whose telephone number is 571-272-2906. The examiner can normally be reached Monday through Friday from 8:30 A.M. to 5:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kimberly Williams can be reached on 571-272-7471. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

RT

Robert Teachey


KIMBERLY WILLIAMS
SUPERVISORY PATENT EXAMINER